

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

FEB 12 2019

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

MARIN MACRIN CERDA

also known as "Filtro"

JOSE MIGUEL MONTEMAYOR

also known as "El Mickey"

SERGIO ALEJANDRO GALLEGOS

also known as "Tovy"

~~MARCOS VILLARREAL~~

TRUE NAME: MARCO ANTONIO VILLARREAL -jg

AKA: MARCOS VILLARREAL - jg NINTH SUPERSEDING INDICTMENT

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Criminal No. M-17-0588-S9

THE GRAND JURY CHARGES:

COUNT ONE

From on or about July 7, 2016 to on or about June 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA

also known as "Filtro"

and

JOSE MIGUEL MONTEMAYOR

also known as "El Mickey"

did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors, to possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

COUNT TWO

From on or about July 7, 2016 through on or about June 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as “Filtro”
and
JOSE MIGUEL MONTEMAYOR
also known as “El Mickey”

did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors, to knowingly possess a firearm, during and in relation to a drug trafficking offense and crime of violence for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine and marijuana, in violation of Title 21 United States Code Sections 841 and 846, Carjacking in violation of Title 18 United States Code Section 2119, and Interference with Commerce by Robbery in violation of Title 18, United States Code, Sections 1951(a) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 924(o).

COUNT THREE

On or about July 7, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

MARIN MACRIN CERDA
also known as “Filtro”

took and attempted to take a motor vehicle, namely, a 2007 Kenworth tractor trailer bearing VIN 1XKADBBXX7J093155, that had been transported, shipped, and received in interstate and foreign commerce from and in the presence of Ricardo Garcia by force, violence, and intimidation, with the intent to cause death and serious bodily harm.

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT FOUR

On or about July 7, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

MARIN MACRIN CERDA
also known as “Filtro”

aiding and abetting others, did knowingly brandish a firearm, during and in relation to a drug trafficking offense and crime of violence for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine, in violation of Title 21 United States Code Sections 841 and 846, and Carjacking in violation of Title 18 United States Code Section 2119.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT FIVE

On or about November 28, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as “Filtro”
and
JOSE MIGUEL MONTEMAYOR
also known as “El Mickey”

did unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery and attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, as the terms robbery and commerce are defined in Title 18, United States Code, Section 1951(b), in that the defendants did unlawfully take and attempted to take controlled substances and drug proceeds from individuals against their will by means of actual or threatened force, violence, or fear of immediate or future injury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT SIX

On or about November 28, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other and others, did knowingly discharge a firearm, during and in relation to a drug trafficking offense for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine, in violation of Title 21 United States Code Sections 841 and 846 and Interference with Commerce by Robbery in violation of Title 18, United States Code, Sections 1951(a) and 2.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT SEVEN

On or about February 27, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

did unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery and attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, as the terms robbery and

commerce are defined in Title 18, United States Code, Section 1951(b), in that the defendants did unlawfully take and attempted to take controlled substances and drug proceeds from individuals against their will by means of actual or threatened force, violence, or fear of immediate or future injury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT EIGHT

On or about February 27, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other and others, did knowingly discharge a firearm, during and in relation to a drug trafficking offense for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine, in violation of Title 21 United States Code Sections 841 and 846 and Interference with Commerce by Robbery in violation of Title 18, United States Code, Sections 1951(a) and 2.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT NINE

On or about March 12, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

and

~~MARCOS VILLARREAL~~

MARCO ANTONIO VILLARREAL - jg

took and attempted to take a motor vehicle, namely, a 2008 Ford Taurus bearing VIN 1FAHP24W78G158756, that had been transported, shipped, and received in interstate and foreign commerce from and in the presence of Paulina Vargas by force, violence, and intimidation, with the intent to cause death and serious bodily harm.

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT TEN

On or about March 12, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA

also known as "Filtro"

JOSE MIGUEL MONTEMAYOR

also known as "El Mickey"

and

~~MARCOS VILLARREAL~~

MARCO ANTONIO VILLARREAL - jg

aiding and abetting each other and others, did knowingly brandish a firearm, during and in relation to a drug trafficking offense and crime of violence for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine, in violation of Title 21 United States Code Sections 841 and 846 and Carjacking in violation of Title 18 United States Code Section 2119.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT ELEVEN

On or about April 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

took and attempted to take a motor vehicle, namely, a 2005 Chevrolet Cobalt VIN 1G1AL52F557512712, that had been transported, shipped, and received in interstate and foreign commerce from and in the presence of Gladet Loera by force, violence, and intimidation, with the intent to cause death and serious bodily harm.

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT TWELVE

On or about April 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

did unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery and attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, as the terms robbery and commerce are defined in Title 18, United States Code, Section 1951(b), in that the defendants did unlawfully take and attempted to take controlled substances and drug proceeds from individuals against their will by means of actual or threatened force, violence, or fear of immediate or future injury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THIRTEEN

On or about April 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as “Filtro”
and
JOSE MIGUEL MONTEMAYOR
also known as “El Mickey”

aiding and abetting each other and others, did knowingly discharge a firearm, during and in relation to a drug trafficking offense and crime of violence for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine, in violation of Title 21 United States Code Sections 841 and 846, Carjacking in violation of Title 18 United States Code Section 2119, and Interference with Commerce by Robbery in violation of Title 18, United States Code, Sections 1951(a) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT FOURTEEN

On or about April 24, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

MARIN MACRIN CERDA
also known as “Filtro”

did unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery and attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, as the terms robbery and commerce are defined in Title 18, United States Code, Section 1951(b), in that the defendants did

unlawfully take and attempted to take controlled substances and drug proceeds from individuals against their will by means of actual or threatened force, violence, or fear of immediate or future injury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIFTEEN

On or about April 24, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

MARIN MACRIN CERDA
also known as "Filtro"

aiding and abetting others, did knowingly brandish a firearm, during and in relation to a drug trafficking offense for which he may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine, in violation of Title 21 United States Code Sections 841 and 846.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT SIXTEEN

From on or about June 6, 2017 through on or about June 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

did unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery and attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, as the terms robbery and

commerce are defined in Title 18, United States Code, Section 1951(b), in that the defendants did unlawfully take and attempted to take controlled substances and drug proceeds from individuals against their will by means of actual or threatened force, violence, or fear of immediate or future injury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT SEVENTEEN

From on or about June 6, 2017 through on or about June 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other and others, did knowingly brandish a firearm, during and in relation to a drug trafficking offense for which he may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of cocaine and marijuana, in violation of Title 21 United States Code Sections 841 and 846 and Interference with Commerce by Robbery in violation of Title 18, United States Code, Sections 1951(a) and 2.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT EIGHTEEN

On or about January 6, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
~~**MARCOS VILLARREAL**~~
MARCO ANTONIO VILLARREAL - jg

did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors, to possess with intent to distribute a controlled substance. The controlled substance involved was 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B).

COUNT NINETEEN

On or about January 6, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
MARCOS VILLARREAL

aiding and abetting each other and others, did knowingly discharge a firearm, during and in relation to a drug trafficking offense for which he may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit a mixture or substance containing a detectable amount of marijuana, in violation of Title 21 United States Code Sections 841 and 846.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT TWENTY

From on or about November 28, 2016 to on or about April 24, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

SERGIO ALEJANDRO GALLEGOS
also known as "Tovy"
and

~~**MARCOS VILLARREAL**~~
MARCO ANTONIO VILLARREAL - jg

did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors, to possess with intent to distribute a controlled substance. The controlled substance involved was 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B).

COUNT TWENTY-ONE

On or about January 25, 2019, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

~~MARCOS VILLARREAL~~

MARCO ANTONIO VILLARREAL - jg

an alien who had previously been admission, excluded, deported and removed, knowingly and unlawfully entered, attempted to enter, and was at any time found found in the United States, to wit: near Mission, Texas, said defendant not having obtained the consent to reapply for admission into the United States from Attorney General of the United States and Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557.

In violation of Title 8, United States Code, Sections 1326(a) and 1326(b).

A TRUE BILL

FOREPERSON

RYAN K. PATRICK
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY